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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fiftieth session

SUMMARY RECORD OF THE 1192nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 6 March 1997, at 3 p.m.

Chairman: Mr. BANTON

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Fourteenth periodic report of Belarus (CERD/C/299/Add.8)

1. At the invitation of the Chairman, Mr. Khvastou, Mrs. Gapontsava, Mrs. Kupchyna and Mr. Kramyanka (Belarus) took seats at the Committee table.

2. Mr. KHVASTOU (Belarus) said that one of the most important tasks of the United Nations was to encourage and promote respect for fundamental rights and freedoms regardless of a person's national or ethnic origin, colour or religion, a principle that was held dear in the Republic of Belarus. Discrimination on grounds of race, colour or national or ethnic origin had never been a problem in Belarus and discriminatory attitudes were not tolerated. Since its independence in 1990, Belarus had abandoned use of the term "nationality" in all official documents, including its citizens' identity papers.

3. The Constitution of Belarus fully reflected the provisions of the Convention, particularly those relating to the prohibition of political parties or public associations that promoted racial hatred, the rights of refugees, the right to own property, preservation of peoples' historical, cultural and religious heritage, freedom of religion and association, and freedom of movement. All persons were equal before the law, regardless of race, colour or ethnic or national origin. Everyone had the right to maintain his or her cultural identity, and a vast array of rights and safeguards were afforded to all. There were no restrictions on nationalities that could apply for citizenship of Belarus. The Government was keen to honour all the commitments it had entered into under international instruments. A person was at complete liberty to take a complaint relating to human rights violations before the courts or another competent authority.

4. The Criminal Code also prohibited any form of racial discrimination. A person found guilty of human rights violations on grounds of race or nationality was liable to a prison sentence of between six months and three years or could be sent into exile for between two and five years.

5. In January 1997, the State Committee on Religious and National Questions had been set up and would ensure implementation of State policy to prohibit racial or religious discrimination.

6. In 1989, Belarus had withdrawn its reservation to article 22 of the Convention and, in 1992, it had acceded to the International Covenant on Civil and Political Rights. The Government was considering a proposal to make the declaration under article 14 of the Convention. In 1992, Belarus had fully supported the adoption of General Assembly resolution 47/111.

7. The fourteenth periodic report of Belarus was widely available around the country, notably in libraries and educational establishments.

8. Mr. van BOVEN (Country Rapporteur) said that he welcomed the fruitful dialogue that had been established with the Government of Belarus and its efforts to provide the information the Committee had requested. Due note had clearly been taken of the Committee's concluding observations following submission of the eleventh, twelfth and thirteenth periodic reports (CERD/C/263/Add.4). He had received particularly valuable information from the Belarus League for Human Rights which, as a national body, was especially well placed to comment on the situation in Belarus.

9. The increasing concentration of power in the hands of the Presidency, at the expense of the independent role of Parliament and the judiciary, was of particular concern, as was the reduced purchasing power of citizens of Belarus and the increasing gap between rich and poor.

10. The fourteenth report (CERD/C/299/Add.8), although detailed, gave rise to a number of questions. For example, it was not clear who established the cultural associations mentioned in paragraph 10, the national groups themselves or the State. Nor was there any indication to whether the gypsies mentioned in paragraph 4 had their own associations.

11. He asked how the Convention of the Commonwealth of Independent States (CIS) concerning the rights of persons belonging to national minorities compared with the International Convention on the Elimination of All Forms of Racial Discrimination, and whether there was any machinery for monitoring their implementation. Similarly, did the CIS Convention on Human Rights and Fundamental Freedoms provide greater protection than other international conventions and covenants? How was its implementation monitored? And was there any conflict between its provisions and similar international instruments?

12. Further information on problems generated by the influx of immigrants from different parts of the world, as mentioned in the document from the Belarus League for Human Rights, would be welcome.

13. It would be interesting to know whether the Act on Refugees referred to in paragraph 16 of the report was in conformity with the provisions of the Convention relating to the Status of Refugees and whether the authorities had sought the advice of the Office of the United Nations High Commissioner for Refugees before drafting the Act.

14. He asked whether the Act on Elections of the President of the Republic of Belarus also covered other kinds of election.

15. Paragraph 32 of the report mentioned the Act on Public Associations and the fact that any encouragement of national, religious or racial enmity was prohibited. However, there was no indication whether similar restrictions applied to private associations.

16. He asked how effective the Act on the Press and Other Mass Media was in practice and whether it had been invoked before the courts.

17. It was of concern that, although the Act on Local Government and Self-Government prohibited all forms of racial discrimination, there was no corresponding legislation covering national government.

18. According to paragraph 35 of the report, there had been no recorded instances of criminal proceedings being brought in cases involving incitement of racial hatred or other acts covered by article 4 of the Convention. Did that mean that the authorities were not aware of the existence of such acts, or that they were too slow or not interested in prosecuting?

19. In that connection, he referred to a number of disturbing reports of anti-Semitism cited by an NGO, the Belarus League for Human Rights: a senior official had made an anti-Semitic remark and had maintained that his opinion was shared by the President of Belarus; Mikhail Nordstein, editor-in-chief of the Jewish newspaper Aviv and a prominent figure in Jewish life in Belarus, had recently found the door of his flat smeared with swastikas and the Star of David; many of the articles in the newspaper Russkiy Vzglyad, which was published in Russia and was on sale in Belarus, contained anti-Semitic propaganda; and the surgeon Albert Lavrenev was being held in detention on trumped-up charges of manslaughter because of his Jewish origin. All those cases appeared to provide grounds for taking action on the basis of Belarus legislation and article 4 of the Convention. He asked the delegation of Belarus to comment on those cases.

20. Turning to paragraph 40, he said that it would be useful for the next report to contain information on the office of ombudsman. In connection with paragraph 41, he requested details of the composition of the Coordinating Council for National Minorities. Concerning paragraph 43, which set out the rights of citizens before the law, he inquired whether the victims of discrimination could seek damages from the courts.

21. Given that the report devoted so much space to education and teaching (paras. 44-65), and made mention of the teaching of Russian, Polish, Ukrainian, Lithuanian, Hebrew and Latvian, he was surprised that it contained no reference to the Belarusian language. According to the report of the Belarus League for Human Rights, in the past two or three years the teaching of Belarus, the mother tongue of 75 per cent of the population, had declined sharply, while the teaching of Russian had increased rapidly. The League maintained that that reflected deliberate policy. He asked the delegation of Belarus to comment.

22. Paragraph 76 of the report stated that all citizens of Belarus were entitled to health care. Did that also apply to non-citizens?

23. The section of the report dealing with the mass media (paras. 83-88) appeared to be confined to the press; he therefore sought more information on the broadcasting media.

24. In the presentation by the delegation of Belarus, reference had been made to the recent creation of a State Committee on Religious and National Questions. Would it be possible to have details about that body in the next report? He noted that in 1993 General Recommendation XVII had been adopted on

the establishment of national institutions to facilitate the implementation of the Convention. To what extent did the recently-created body cover matters of relevance to the Committee?

25. He noted with interest that Belarus had withdrawn its reservation to article 22 of the Convention and that steps were being taken to ratify article 8, paragraph 6, and article 14.

26. The delegation of Belarus had stated that its report and the concluding observations of the Committee were being published as part of a brochure. Yet the Belarus League for Human Rights maintained that when it had requested a copy of the Belarus report, officials from the Ministry of Foreign Affairs had replied that it could only be obtained upon a formal request in writing; according to the League, the government report had never been published or discussed in the Belarusian media. He asked the delegation of Belarus for a clarification.

27. Mr. VALENCIA RODRIGUEZ said that the report sent to the Committee by the Belarus League for Human Rights could not be dismissed out of hand; he therefore sought clarification from the delegation of Belarus on the League's allegations of anti-Semitic statements made in a number of periodicals and even by certain high officials, the violation of the right to education in the Belarusian language, and the infringement of the rights of refugees and dissidents who were not entitled to work or to receive education and were thus living under very difficult conditions.

28. Mr. GARVALOV said he would welcome clarification on a number of points. The second table in paragraph 4 of the report was headed "The inhabitants of Belarus also include". Would it not be more appropriate to refer to such persons as "nationals"? In that regard, he noted that paragraph 10 listed Koreans as one of the national groups which had a cultural association; yet Koreans did not appear in either of the two tables under paragraph 4. Could the delegation of Belarus explain that discrepancy?

29. The report used the terms "national minorities", "ethnic minorities", "national communities" and "national societies". Were they employed interchangeably?

30. In his view, the reference in paragraph 8 to a striving on the part of ethnic minorities for national self-awareness was misleading, because that might suggest self-awareness as a nation.

31. Paragraph 34 stated that one of the fundamental principles of local government and self-government was that of "lawfulness, social justice and humanism", which in itself presupposed the prohibition of all forms of racial discrimination; to his mind, that suggested that legal measures specifically prohibiting racial discrimination were still very much needed.

32. Paragraph 41 spoke of the Coordinating Council for National Minorities. He would like to know whether that body had produced any findings and whether they were available.

33. The section of the report on education and teaching was very exhaustive, but it only addressed ways of educating children, whereas it was also important to heighten the awareness of teachers, the police, judges and other public officials concerning the issue of racial discrimination and offer them ways to cope with the problem. Was that being done and, if so, in what fashion?

34. Mr. de GOUTTES said that he was pleased to learn that legislation made racist propaganda a punishable offence, outlawed associations which fomented racist, national or religious hatred and prohibited the use of the media to incite intolerance or racial discord; he hoped that examples of the practical application of that legislation would be given in the next report.

35. He expressed surprise at the statement in paragraph 35 that there had been no recorded incidences of criminal proceedings against acts of racial discrimination, particularly in view of the diversity of nationalities, racial groups and refugees living in Belarus. Rather than being a positive sign, the absence of complaints of racial discrimination could in fact reflect citizens' ignorance of their rights, a lack of confidence in the police and judiciary, or a reluctance on the part of the public authorities to take legal action.

36. Turning to paragraph 25, he asked whether Belarus intended to ratify the CIS Convention on Human Rights and Fundamental Freedoms in the near future. He was also interested in knowing whether the supervisory mechanism established under that Convention was of a jurisdictional nature. There was no incompatibility whatsoever between the new CIS mechanism, the provisions of article 14 of the Convention and the International Covenant on Civil and Political Rights as neither the Convention nor the Covenant was of a jurisdictional nature. However, he asked the delegation to explain how Belarus, as a member of the Council of Europe, envisaged the guarantee of compatibility of the CIS instrument with the European Convention on Human Rights.

37. Ms. ZOU, referring to the two tables in paragraph 4 of the report, asked for an explanation of the figures given. From the statistics in the second table, she noted that Gypsies represented one of the larger groups of minorities, but in paragraph 10 there was no mention of cultural associations of Gypsies. She wondered whether that meant that Gypsies were already fully integrated into Belarus society. She also asked for a clarification of the definition of "foreign citizens and stateless persons", as used in paragraph 29, and asked whether the rights and freedoms mentioned in that paragraph included political rights.

38. Mr. DIACONU noted that the number of laws adopted by Belarus on the elimination of racial discrimination continued to increase, providing the State party with an extremely complex legal framework composed of elements which guaranteed full equality and the implementation of article 4 of the Convention.

39. In connection with the first sentence of paragraph 34, he explained that article 4 (c) of the Convention did not call on States parties to adopt specific legislation, but asked them not to allow public authorities to engage

in discriminatory acts. It was sufficient for States parties to have comprehensive national legislation, particularly those States such as Belarus which had a single legal territory.

40. He wished to know the relationship between the Coordinating Council for National Minorities and the State Committee on Religious and National Questions, and how the two bodies coordinated their activities. Did the International Convention on the Elimination of all Forms of Racial Discrimination or domestic laws have primacy in matters of interpretation. And what was the relationship of those instruments with the CIS Convention and other instruments on human rights to which Belarus might accede? Referring to the tables in paragraph 4, he pointed out that the heading of the second table in the French text was "Autres minorités" (other minorities); that was an improvement on the English heading, which referred simply to "inhabitants". In that context, he asked whether Belarus could provide more recent statistics on minorities. He also pointed out the lack of socio-economic data on the enjoyment, by ethnic minorities, of the rights embodied in article 5 of the Convention.

41. He raised the question of the circulation of Russkiy Vzglyad, to which Mr. van Boven had referred in the context of the Act on the Press and Other Mass Media. He inquired about access of all nationalities in Belarus to civil service posts and their level of participation in government. In the area of education, he was interested to know whether Russian and Belarusian were compulsory, whether parents had a choice in their children's schooling and what proportion of pupils was required for classes to be conducted in minority languages. In conclusion, he commented on the large numbers of aliens in Belarus and acknowledged that a number of them had illegal status because their stay was temporary while they attempted to migrate to Western countries. That tendency had posed a serious challenge to several countries and bodies dealing with refugees and asylum-seekers.

42. Mr. RECHETOV said Belarus could be considered an island of tranquillity in the midst of conflict in neighbouring regions and expressed the hope that it would remain tranquil.

43. As the Committee considered the periodic report, it was obliged to examine all information submitted from various sources. He referred to a report, by the Belarus League for Human Rights, which had been submitted to the Committee and contained allegations of anti-Semitic practices in Belarus. He questioned the legitimacy of the claims and the motivation for the submission of that report; the Committee was nevertheless obliged to satisfy itself that tolerance prevailed within States parties. He invited the delegation to comment on the report and to provide further information on the study of the Belarusian and Russian languages.

44. Mr. ABOUL-NASR referred to an earlier recommendation by the Committee to the General Assembly for assistance from the United Nations Centre for Human Rights to Belarus. He asked whether such assistance had in fact been granted and was still in effect.

45. Referring to the report from the Belarus League for Human Rights mentioned by Mr. Rechetov, he asked for further details on that organization,

its sources of finance, the validity of its claims and the context within which the report had been submitted. He questioned whether the European promoters of that organization had a specific "project" in mind.

46. Mr. van BOVEN regretted Mr. Aboul-Nasr's statement, which unacceptably injected cold-war thinking into the debate, stirring up sentiments that had prevailed in the past between Eastern and Western Europe and playing one against the other, at a time when Belarus, now a member of the Council of Europe, was cooperating with Western Europe. As a Western European himself, he did not consider the situation in that perspective. That such information was now coming out of Belarus and such organizations could function there was in itself a cause for satisfaction and was to the credit of the State party. He had felt that the information was relevant to the Committee's work and Mr. Aboul-Nasr's comments cast doubt on his integrity as Country Rapporteur. His own questions to the government representative had been intended precisely to help the Committee to ascertain the truth of the allegations contained in the document. As to the source of the paper, there was nothing secret about its funding, and indeed the author had indicated the funding source. Although he had no contact with the Phare-Tacis Democracy Program, neither its operations nor its funding were secret and it was carried out with the full knowledge and consent of the Governments concerned. If Committee members were interested, he could contact Brussels to obtain full details. That the paper had been addressed to the Human Rights Committee was a formality; the information it contained was equally relevant to the work of the Committee on the Elimination of Racial Discrimination.

47. Mr. ABOUL-NASR said that he had not been addressing his remarks to Mr. van Boven, but to the representative of the Government, commenting on the paper before him and requesting information about the organization concerned. He had not claimed it was a secret organization, but wanted to know more about it and how it was financed so that he could assess its activities. He had also asked what was behind the paper and had commented on the value of the allegations it contained, giving examples. He denied having introduced cold-war rhetoric into the debate. His remarks had apparently angered Mr. van Boven, who seemed to be defending the paper in question. He respected the latter's views and would see to it that Mr. van Boven respected his own.

48. Mr. YUTZIS endorsed the many questions and comments made by previous speakers, especially the useful insights provided by the Country Rapporteur. With reference to the Committee's concluding observation contained in paragraph 348 of document A/50/18, some information had been provided on the demographic composition of the country and a substantial amount on education, but little on minorities' enjoyment of other rights covered by article 5, especially health and housing.

49. With regard to education, some information was given in the report on the teaching of Polish, Ukrainian, Lithuanian and Hebrew, but, apart from Lithuanian, none on education in the languages spoken by the other minority groups listed in the second table in paragraph 4. Incidentally, the heading of the second table, at least in the Spanish version of the report, seemed somewhat derogatory to the minorities listed. He drew attention in particular

to the Gypsy population, which constituted a fairly large minority and which from experience was known to be an often marginalized sector of society. He hoped that more information would be provided on the implementation of article 5 in the next report. Further clarification was also needed on the network of Sunday schools referred to in paragraph 52, which he assumed were privately funded, and on paragraph 60, where it was unclear what the "public education" provided in Sunday schools entailed, what languages were used and which minority groups were concerned.

50. The last sentence of paragraph 49 seemed somewhat contradictory in referring both to national awareness and to respect for persons belonging to other countries and peoples. Some clarification was needed of what was meant by shaping and building national awareness.

51. The CHAIRMAN, speaking as a member of the Committee, said by way of general comment that a point to be borne in mind when preparing a periodic report was that States parties undertook not only to refrain from discriminatory policies and practices, but also to protect all residents from discrimination by other parties, including private persons. Another point was that there was sometimes a tendency among reporting States to paint a rosy picture of the situation, in the belief that the State's responsibility stopped at passing the requisite laws. Monitoring implementation was equally important and involved ascertaining whether government officials were performing their duties to the full and inquiring of the people themselves how they felt affected in their daily lives. That kind of information helped the Committee to assess the manner in which State obligations were actually fulfilled.

52. The delegation of Belarus withdrew.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

53. Mr. CHIGOVERA (Rapporteur) drew attention to the Committee's revised programme of work, which had been circulated, together with a list of reports to be considered by the Committee at future sessions, explaining the Bureau's recommendations for rearranging the timetable. The missions of Cameroon and Nepal had indicated that they would be sending delegations to the appropriate meetings. The authorities of Bosnia and Herzegovina had informed the Committee that its representatives would not be available on the day scheduled for consideration of its report and it had proved impossible to accommodate the proposed alternative dates in the Committee's busy schedule. Consideration of that country's report had therefore been deferred. The Bureau had considered that a request for deferment by the Government of Uganda did not provide sufficient grounds for postponement; consideration of that report should, however, be postponed to the fifty-second session on account of the Committee's heavy workload, and the Ugandan authorities should be informed accordingly.

54. The CHAIRMAN added that a letter had also been received from the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), but there, too, the grounds for deferment seemed insufficient. They had been informed that consideration would be maintained on the appointed day, but the Country Rapporteur would present a view of the situation that would help them in finalizing their report. He suggested that any members wishing to propose further amendments to the revised programme of work should consult the Rapporteur.

The meeting rose at 6 p.m.